

REMARKS

In response to the Office Action mailed July 29, 2004, Applicants respectfully request reconsideration. To further the prosecution of this Application, Applicants submit the following remarks, and have canceled claims. The claims as now presented are believed to be in allowable condition.

Claims 1-20 were pending in this Application. By this Amendment, claims 3 and 13 have been canceled. Accordingly, claims 1-2, 4-12 and 14-20 are now pending in this Application. Claims 1, 7, 11 and 17 are independent claims.

Objection to the Specification

The Specification was objected to due to a few minor informalities. Applicants have amended the Specification to correct these informalities. No new matter has been added. Accordingly, the objection to the Specification should be withdrawn.

Objection to the Title

The Title was objected to as not being descriptive. Applicants have replaced the original Title with a new Title that is descriptive. Accordingly, the objection to the Title should be withdrawn.

Allowed Claims

Claims 3 and 13 were objected to as being dependent on a rejected base claim but were deemed allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claims 1-6

Rather than rewrite claim 3 to include all of the limitations from independent claim 1 from which claim 3 depended, Applicants amended claim 1 to include all of the limitations of claim 3 and then canceled claim 3. Accordingly, claim 1 is now in allowable condition.

Because claims 2 and 4-6 depend from and further limit claim 1, claims 2 and 4-6 are in allowable condition for at least the same reasons.

Claims 11-16

Rather than rewrite claim 13 to include all of the limitations from independent claim 11 from which claim 13 depended, Applicants amended claim 11 to include all of the limitations of claim 13 and then canceled claim 13. Accordingly, claim 11 is now in allowable condition.

Because claims 12 and 14-16 depend from and further limit claim 11, claims 12 and 14-16 are in allowable condition for at least the same reasons. Applicants also wish to point out that a minor clarifying amendment was made to claim 16 to correct a minor claiming informality.

Rejections under §102 and §103

There is some confusion over which references were used to reject claims 7-10 and 17-20 (see the Office Action on page 2, last paragraph and page 6, first paragraph) since not all of claims 7-10 and 17-20 were listed in the opening rejection statements.

Nevertheless, it is Applicants' understanding that claims 7-10 and 17-20 have not yet been given allowable status. Additionally, at least some of these claims were rejected under 35 U.S.C. §103(a) as being anticipated by a publication entitled "Fast, On-Line Failure Recovery in Redundant Disk Arrays," by Holland, 0731-3071, 1993 IEEE in view of U.S. Patent No. 5,218,691 (Tuma et al.). Furthermore, at least some of these claims were rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 5,954,822 (Yashiro et al.) in view of U.S. Patent No. 5,218,691 (Tuma et al.).

To further the prosecution of this Application, Applicants have amended claims 7-10 and 17-20 and respectfully request reconsideration. These claims as now presented are believed to be in allowable condition.

Claims 7-10

Applicants have amended claim 7 to include language similar to that from claim 3 which was added to claim 1 in order to obtain allowance of claim 1.

Applicants respectfully submit that claim 7 now patentably distinguishes over the cited references and that the rejection of claim 7 under 35 U.S.C. §103(a) should be withdrawn. Claim 7 is now in allowable condition.

Because claims 8-10 depend from and further limit claim 7, claims 8-10 are in allowable condition for at least the same reasons.

Claims 17-20

Applicants have amended claim 17 to include language similar to that from claim 13 which was added to claim 11 in order to obtain allowance of claim 11.

Applicants respectfully submit that claim 17 now patentably distinguishes over the cited references and that the rejection of claim 17 under 35 U.S.C. §103(a) should be withdrawn. Claim 17 is now in allowable condition.

Because claims 18-20 depend from and further limit claim 17, claims 18-20 are in allowable condition for at least the same reasons.

Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Amendment, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants Representative at the number below.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Amendment, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David E. Huang", written over a horizontal line.

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